



## Alternates and Modifications

CITY OF LONG BEACH PLANNING & BUILDING DEPARTMENT  
333 W. OCEAN BLVD., 4TH FLOOR, LONG BEACH, CA 90802

INFORMATION (562) 570-6651 FAX (562) 570-6753

### **ALTERNATES AND MODIFICATIONS**

The construction and use of buildings is governed by specific standards and regulations set forth in the Uniform Building Code (UBC). While these are prescriptive requirements demanding full compliance, occasions can arise where modifications or alternate forms of construction are warranted. The UBC empowers the Building Official to grant modifications and approvals for alternate materials and methods of construction under certain circumstances. The terms "waivers" or "variances" are not employed by the Code in this regard. The following will highlight the pertinent Code provisions and will describe procedures for seeking approvals.

### **UBC SECTION 104.2 — POWERS AND DUTIES OF THE BUILDING OFFICIAL**

"SECTION 104.2.1 ... The Building Official is hereby authorized and directed to enforce all the provisions of this code..."

This provision clearly places sole responsibility upon the Building Official for enforcement.

### **UBC SECTION 104.2.8 - ALTERNATE MATERIALS AND METHODS OF CONSTRUCTION**

"Section 104.2.8. The provisions of this code are not intended to prevent the use of any material or method of construction not specifically prescribed by this code, provided any alternate has been approved and its use authorized by the Building Official. The Building Official may approve any such alternate, provided he finds that the proposed design is satisfactory and complies with the provisions of this code and that the material, method of work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in suitability, strength, effectiveness, fire resistance, durability, safety and sanitation. The Building Official shall require that sufficient evidence or proof be submitted to substantiate any claims that may be made regarding its use. The details of any action granting approval of an alternate shall be recorded and entered in the files of the code enforcement agency."

In the City of Long Beach, this provision is contained in Long Beach Municipal Code Section 18.04.090.

It is prudent and proper for the Code to accommodate new technologies that were not considered in the formulation of prescriptive requirements. Indeed, a failure to do so would constitute an arbitrary prohibition of new products or methods without due consideration of merit.

This Section allows ("may" is permissive by definition and not mandatory) the Building Official to approve an alternate material or method of construction. However, to do so, he must make a finding of equivalency in regard to the cited criteria (i.e., suitability, strength, etc.) Further, the Building Official is obligated to require sufficient evidence or proof be submitted to justify such a finding or equivalency.

UBC Section 104.2.9 authorizes the Building Official to require the submittal, where necessary, of test data prepared at the applicant's expense.

### **UBC SECTION 104.2.7 — MODIFICATIONS**

"Section 104.2.7. Whenever there are practical difficulties involved in carrying out the provisions of this code, the Building Official may grant modifications for individual cases, provided he shall first find that a special individual reason makes the strict letter of this code impractical and that the modification is in conformity with the intent and purpose of this code and that such modification does not lessen any fire protection requirements or any degree of structural integrity. The details of any action granting modifications shall be recorded and entered in the files of the code enforcement agency".

This provision is contained in Long Beach Municipal Code Section 18.04.100.

Note the distinction between modifications and alternatives. There must be practical difficulties, a special individual reason must exist, and fire protection or structural safety must not be diminished in order to grant a modification.

As with approving alternates, complete documentation and maintenance as a public record is required.

This information is available in an alternative format by request to the Development Services Center at  
(562) 570-6651 or (562) 570-6793 TDD - Visit our website at [www.longbeach.gov/plan](http://www.longbeach.gov/plan)

**HISTORIC BUILDINGS**

The Building Official has greater latitude to grant modifications for bonafide historic buildings. UBC Section 3403.5 (LBMC Section 18.04.080) permits the Building Official to authorize something less than full compliance provided unsafe conditions are corrected. A restored historic building must be no more hazardous than the existing building.

In addition, the State Historic Building Code (Title 24, Part 8) can be employed to grant special consideration for historic buildings. See Section 8-105.2 of the CBC.

**REQUESTING APPROVALS**

All requests for approvals of alternates or modifications shall be in writing addressed to:

**Lawrence Brugger**

**Superintendent of Building and Safety City of Long Beach**

**333 W. Ocean Blvd., 4th Floor Long Beach, CA 90802**

The request shall reference the specific code provisions applicable to the case for which special approval or relief is being sought. It is incumbent upon the applicant to present a sufficient case to justify a finding of equivalency (in the case of alternates) or that fire and structural safety are not compromised (in the case of modifications). The applicant is required to retain the services of a California licensed architect or engineer to present the request. Requests shall be accompanied by a filing fee in the amount of \$ 52.50

**(Make checks payable to the City of Long Beach).**